



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC

Issued by the Department of Transportation on May 4, 1999

NOTICE OF ACTION TAKEN -- DOCKET OST-99-5286

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This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of **Federal Express Corporation** filed **3/29/99** for:

**XX** Allocation of 12 Russian overflight frequencies to provide the following service:

**Six (6) scheduled all-cargo flights a week in each direction between Paris, France, and Subic Bay, Philippines, over Tashkent. Based on the volume and destination of traffic moving between Paris and Subic Bay, Federal Express may also operate some flights via an intermediate stop in Bangkok, Thailand.**

No answers to the application were filed.

Applicant rep: **Nathaniel P. Breed (202) 663-8078** DOT Analyst: **Michael D. Bodman (202) 366-9667**

**DISPOSITION**

**XX** Granted, subject to conditions (see below).

The above action was effective when taken: **May 4, 1999**, and will remain in effect indefinitely, subject to the conditions below.

**Action taken by: Paul L. Gretch, Director  
Office of International Aviation**

**XX** The authority granted is consistent with the 1999 aviation agreement between the United States and the Russian Federation.<sup>1</sup>

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

**XX** Holder's certificate of public convenience and necessity

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**Conditions:** Consistent with our standard practice, the overflight frequencies allocated are subject to the condition that they will expire automatically and the overflights will revert to the Department if they are not used for a period of 90 days. This 90-day dormancy period will begin on October 1, 1999, the start-up date proposed by Federal Express in its application, or on the date that Federal Express begins using the frequencies, whichever is earlier.

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<sup>1</sup> On March 16, 1999, the Department issued a Notice requesting that U.S. carriers interested in using new U.S.-Russia service opportunities, including available overflight rights, file applications with the Department in this Docket (OST-99-5286). We will handle applications filed for the other service opportunities cited in our March 16 Notice by separate notice(s) or order(s).

**Remarks:** The 1999 aviation agreement between the United States and the Russian Federation, Annex IV (Overflights) provides that U.S. carriers may operate 14 weekly (seven eastbound and seven westbound) Europe-Southeast Asia overflights for scheduled combination and/or all-cargo services over the Tashkent area. As a result of our action here, two weekly Europe-Southeast Asia overflight frequencies remain available for allocation.

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Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; and (2) grant of the authority was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this order is available on the World Wide Web at  
[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*